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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/841,327
Filing Date: April 23, 2001
Appellant(s): WITTEMAN, BRADLEY JAMES

Michael J. Fogarty, III
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 20th, 2006 appealing from the Office action mailed March 21st, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|---------|--------|
| 5,809,471 | Brodsky | 9-1998 |
|-----------|---------|--------|

| | | |
|-------------------------|--------------------------|--------|
| IBM VoiceType Dictation | Wayback Machine Archive: | 4-1997 |
|-------------------------|--------------------------|--------|

<http://www.voicerecognition.com/ibm/>

[ibm31des.html](#)

| | | |
|-----------|----------------|---------|
| 6,489,979 | Belknap et al. | 12-2002 |
| 5,500,919 | Luther | 3-1996 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

In regards to claim 19, Brodsky discloses a method for searching in a multimedia signal (see --), wherein the multimedia signal includes a first data format

1. Claims 19-32, 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Brodsky (US Pat. 5,809,471).

In regard to claim 19, Brodsky discloses a method for searching in a multimedia signal (see Brodsky: column 1, lines 50-56), wherein the multimedia signal includes at least a first data format component (extracted component such as closed captioned text) and a second data format component (retrieved additional information; see Brodsky: column 1, lines 66-67, column 2, lines 20-23, column 3, lines 17-21; the additional information or program relevant information maybe provided by the broadcaster, see column 6, lines 44-48), the method comprising the steps of:

Receiving a search parameter (see Brodsky: column 2, lines 5-9);

Analyzing the first data format component of the multimedia signal to identify the occurrences of the search parameter (the step of matching a search request to the extracted information components requires the step of analyzing the extracted information or the first component in order to find the match; see column 2, lines 25-27, lines 30-32, lines 55-61); and

For at least one occurrence of the search parameter in the first data component (i.e. the extracted data), presenting a corresponding second data format segment (i.e. the retrieved additional data that is provided by the broadcaster and presented to user; see column 6, lines 44-48 and column 3, lines 33-36) of the multimedia signal.

In regards to claim 20, the first data format component is a closed caption component (see column 2, lines 20-23, column 5, lines 36-37), and wherein the second data format is an audio component (hearing additional retrieved information that is of further interest to user; see column 5, lines 11-14, column 6, lines 13-15).

In regard to claim 21, Brodsky discloses maintaining a dynamically changing dictionary that determines what a valid searchable keyword is. The dictionary only contains keywords or items extracted from most recently received portion of the program. See column 4, lines 1-3. Therefore a user can only search for a particular keyword within a predetermined period of time (i.e. keyword in the recently received portion of program) after the occurrence of the keyword (i.e. search parameter) in the closed caption component. When a user

enters a valid searchable keyword, the occurrence of the keyword is matched in the dictionary first and then a corresponding additional retrieved information is presented to the user. Since a user can only search recently occurred keywords that are stored in the dictionary, the corresponding additional retrieved information (in this case audio data that user is interested in hearing) begins and ends within a predetermined period of time before and after the occurrence of the search parameter in the extracted data (i.e. closed caption component).

Consider the following example. If a news program is broadcasted containing a segment about France presented, and the dictionary only extracts keywords occurred in the last 10 minutes, the additional retrieved information regarding France maybe retrieved and presented only within 10 minutes of the occurrence of the word France. As a result, Brodsky anticipates the step of the corresponding second data format segment being a section of the audio component that begins and ends within a predetermined period of time before and after the occurrence of the search parameter in the closed caption component.

In regards to claim 22, the first data format component is a closed caption component (see column 2, lines 20-23, column 5, lines 36-37) and wherein the second data format component is a video component (see column 5 lines 28-30, column 6, lines 13-15).

In regards to claim 23, see claim 21. For similar reasons as stated for claim 21 above, Brodsky anticipates the step of the corresponding second data

format segment being a section of the video component that begins and ends within a predetermined period of time before and after the occurrence of the search parameter in the closed caption component.

In regards to claim 24, Brodsky discloses as an example presenting a map of France as the additional retrieved information in response to user's request of France (see column 6, lines 39-42). Such a display of map anticipates the scope presenting a "still image" from the video component (map of France provided by the broadcaster, see column 6, lines 44-48) that is presented at the occurrence of the search parameter in the closed caption component.

In regards to claim 25, the first data format component is an audio component and the second data format component is a video component (see column 4, lines 37-44, column 5, lines 29-31).

In regards to claim 26, the formats of the first data format component and the second data format component are selected from the group consisting of: text data; closed caption data; audio data; speech data; video data (see column 4, lines 19-23).

In regards to claim 27, Brodsky discloses the step of receiving search parameters in the form of spoken words, voice format, etc. See column 6, lines 24-26. Brodsky further discloses that the words are extracted from closed caption text and stored in the dictionary. See column 2 lines 20-23. Brodsky also discloses that the recognition processor maybe similar to the "IBM Voice type Dictation Solution" that converts voice dictation to text. See column 4, lines

64- column 5 line 3. Therefore Brodsky anticipates the step of receiving a search parameter in a third data format (voice/audio format), converting the search parameter from third format to the first format (i.e. text) via recognition processor such as 'IBM Voice Type Dictation Solution.

In regards to claim 28, the format of the third data format component (speech) and the first data format component (closed caption text) are selected from the group consisting of: text data; closed caption data; audio data; speech data; video data; (see column 2 lines 20-23 and column 4 lines 64 – column 5 line 3)

The limitations of claim 29 are anticipated by claim 19 and are analyzed as above. Furthermore, the retrieving the additional information (see column 6, lines 44-48) anticipates the step of identifying a corresponding segment of a second data format component in the multimedia signal.

In regards to claim 30, the second data format component is a video component (see column 4, lines 19-23); the method further comprising the step of displaying the segment of the video component to the user (see column 3, lines 34-37);

In regards to claim 31, see claim 24 above. In the above example, when the additional information such as the map of France is presented to the user, the map of France anticipates a "single image" being presented to the user.

In regards to claim 32, see claim 24 above.

In regards to claim 35, the first data format component is a text component (see column 2, lines 20-23, column 5, lines 36-37) and the method further comprises the steps of:

Receiving the search parameter in an audio format (see column 6, lines 24-26);
and

Converting the search parameter to a text data format prior to analyzing the multimedia signal (see column 4, lines 62-67 and column 5, lines 1-3).

In regards to claim 36, the voice recognition performs the converting step converting step using a speech to text converter since the first data format is a text component (see column 5, lines 37-38) and the search parameter is in audio format (see column 6, lines 24-26).

2. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky (US Pat. 5,809,471).

In regard to claim 33, Brodsky discloses that the first data format component (extracted components) is an audio component (see column 4, lines 37-44) and further comprises various forms of search request, including selection from a visual menu of dictionary words (see column 5, lines 14-20, column 6, lines 23-26).

Brodsky does not disclose whether the selectable menu comprise items (searchable parameters) in text format or other icon format.

Examiner takes official notice that it was well known in the art at the time of the invention to present a visual menu of selectable keywords in text format that a user can read and select.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system by presenting a selectable menu of search keywords in a text format that the user can read and select; and further be obvious to converting the search parameter (selected keyword) to the data format of the first data (i.e. audio data) so that the selection parameter can be matched with the first data component thereby allowing the retrieval of the second data component. The motivation for converting the search parameter from a third format to the first format is for ease of processing the data for comparison rather than converting an entire dictionary into another format for comparison (i.e. it is easier to convert a word or two into a second format to compare with the dictionary, rather than convert the entire dictionary into the format type of the search keyword for comparison).

In regards to claim 34, the modified system above converts the text data of the selected keyword into audio data using a text to speech converter.

(10) Response to Argument

Claim 19 recites, "a method for searching in a multimedia signal...". In response to appellant's arguments on page 4 regarding claim 19, the recitation "searching in a multimedia signal" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any

patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). While appellant attempts to refute the Brodsky reference stating that there are no teachings in Brodsky of searching in a TV or telephonic input signals (see Appeal Brief pages 4, 7) the examiner notes there are no steps in the body of claims 19-28 that depend on the step of "searching in a multimedia signal". In regards to appellants arguments on page 5, Examiner also notes that claim 19 fails to recite that a first and second data components originate from the same source. However, to address appellant's arguments stating that Brodsky fails to support this feature, the examiner to draw appellants attention to column 6, lines 44-48 in Brodsky. Brodsky discloses presenting a second data format (i.e. retrieved additional information) of the multimedia signal, wherein the retrieved additional signal maybe provided by the broadcaster and therefore part of the same signal source (i.e. signal source provided by broadcaster) the extracted components (e.g. closed captions) were extracted from. Examiner further notes that "a multimedia signal" has a broader scope than what applicant contends and can alternatively interpreted as the multimedia signal presented to the user on display 108 of Brodsky the multimedia signal comprising a first component (signal from the TV input signal) and a second component (retrieved information).

See figure 1 of Brodsky. Appellants continues to argue in page 5 that, "Brodsky's vocabulary is a dictionary made up of information extracted from multimedia signal by content extractor 102 and stored in a buffer 104" and "as such, Brodsky's vocabulary is not a component of a multimedia signal as required by claim 19". The examiner respectfully disagrees. Since the dynamically changing dictionary is made up of words constantly extracted from the TV feed, the extracted words (first component) are thus included in the multimedia signal (i.e. TV signal) in order to be extracted from the multimedia signal. In further regards to appellants arguments on claim 19 in page 6, when such an occurrence of a search parameter is identified in the first component (extracted words included in the multimedia signal), additional retrieved information is presented to the user, wherein the additional retrieved information (second component) is provided by the broadcaster (see column 6, lines 44-48) and hence the multimedia signal (signal provided by broadcaster) also includes the second component (additional retrieved information).

Regarding applicant's arguments of claims 33 and 34, references supporting official notice taken have been provided. In particular, Belknap et al. (US Pat. 6,489,979) discloses a system comprising a menu of selectable (textual) keywords that a user can select from to access additional information. See column 14, lines 1-7 and figures 5A-6E. Luther (US Pat. 5,500,919) further discloses the use of a text to speech converter for converting input text information to speech data. See abstract.

Art Unit: 2623

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Usha Raman

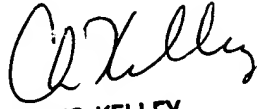
Conferees:


Christopher Kelley

Supervisory Patent Examiner

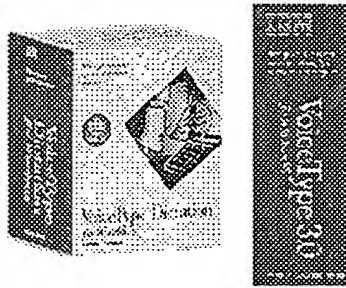
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Add-Ons include Kolvox OfficeTALK & Kolvox LawTALK.

Features & Benefits

Voice-to-text capability

- Facilitates the creation of documents
- Saves time and increases productivity by eliminating transcription
- Provides a solution for people who are unable (or unwilling) to use a keyboard

Hands-free, eyes-free operation

- Enables users in technical, production and office environments to dictate text, product reports or fill in forms while using their hands and eyes for other tasks
- Physicians and other medical personnel can read x-rays or examine patients and describe findings simultaneously

Large General-language vocabulary

- Provides a ready-to-use language model designed to serve a wide range of professional and business users
- Helps ensure accurate word capture
- Allows you to customize the system easily by adding up to 2,000 words to the vocabulary

Optional industry-specific vocabularies

- Ready-to-use solutions for radiology, emergency medicine, journalism and legal enhance applications
- Specialized terminology and word-pattern models enable the system to frequently recognize words that are run together, slurred or partially obscured by background noise
- Support for additional industry-specific vocabularies is continually being expanded

Speaker enrollment function

- Maximizes dictation accuracy by creating a model for every individual speaker

Clipboard data transfer

- Transfer dictated text to OS/2 and Windows applications by cut-and-paste, using voice, keyboard or mouse commands
- Use keyboard emulation to transfer data into applications that do not support cut-and-paste

Navigation controls

- Use voice commands to operate OS/2, Windows and compatible applications
- Includes automatic "speech enabling" of the OS/2 WorkPlace Shell and Presentation Manager controls, as well as Windows icons and tool bars

Voice Action Editor

- Allows users and developers to define macros that perform a sequence of actions with a single voice command
- Facilitates development of customized, application-specific solutions
- Increases productivity by letting users insert prerecorded phrases or paragraphs of repetitive text with a single spoken word

PCMCIA VoiceType Dictation Adapter

- Supports notebook computers for transportable dictation solutions
- Helps make it easy for people to use the system, wherever they need to work

Multiple language support

- Available for OS/2 and Windows in U.S. English, U.K. English, French, German, Italian and Spanish.



SYSTEM REQUIREMENTS

- Minimum 486/SX/SLC 25 MHz (recommended 486DX2/66)
- 16 MB of RAM (recommended 24 MB)
- 33 MB dedicated hard disk space | additional 30 MB when enrolling
- OS/2 Ver. 2.1 or higher for OS/2 configuration
- Microsoft Windows 3.1x or Windows 95



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